

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT REPEALING BELMONT MUNICIPAL CODE CHAPTER 2, ADMINISTRATION, ARTICLE X, ARTS COMMISSION, SECTIONS 2-180 THROUGH 2-186 AND CHAPTER 5.5, ARTS, ARTICLE I, IN GENERAL, ARTICLE II, COMMISSION, SECTIONS 5.5.1 THROUGH 5.5-28

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Chapter 2, Administration, Article X, Arts Commission, Sections 2-180 through 2-186 and Chapter 5.5, Arts, Article I, In General, Article II, Commission, Sections 5.5.1 through 5.5-28 of the Belmont City Code are hereby repealed as follows:

ARTICLE X. ARTS COMMISSION

Sec. 2-180. Commission created; composition.

There is hereby created an arts commission consisting of seven (7) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

Sec. 2-181. Terms of arts commissioners; vacancies.

The city council shall appoint commissioners who will serve for a term of two (2) years. The city council shall thereafter appoint commissioners to fill the offices as the term of the members expire. Vacancies in the commission occurring otherwise than by expiration of term of office, shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission. All appointments shall be without compensation.

Sec. 2-182. Officers.

At the first regular meeting, following the first day of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chair and a vice-chair. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

Sec. 2-183. Rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure, and shall meet at a regular appointed time, at city facilities, as designated in the agenda.

Sec. 2-184. Quorum; effect of absences.

A majority of the regular members shall constitute a quorum. Absence from three (3) consecutive meetings, without the approval of the commission, shall be deemed to constitute retirement of such member and the position may be declared vacant.

Sec. 2-185. Minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk.

Sec. 2-186. Power and duties.

(a) To act in advisory capacity to the city council in all matters pertaining to visual arts, theatre arts, music, and dance. To cooperate with other governmental agencies and civic groups in the advancement of sound planning of the arts in the City of Belmont and development of educational programs.

(b) To formulate policies on the arts for approval by the city council.

(c) To advise on issues related to development of art related facilities and projects.

(d) To make recommendations on the selection and placement of public art.

(e) To make initial and periodic inventories of existing public art, location and condition and to locate and catalog potential public art sites.

(f) To aid in coordinating art related programs and services with other governmental agencies and voluntary civic organizations.

(g) To act in an advisory capacity in the preparation of an annual budget and long-range public art improvement program.

(h) Perform such duties as may be assigned to the commission by the city council.

CHAPTER 5.5 ARTS

ARTICLE I. IN GENERAL

Secs. 5.5-1--5.5-20. Reserved.

ARTICLE II. COMMISSION

Sec. 5.5-21. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission shall mean the arts commission herein established.

Sec. 5.5-22. Created; composition.

There is hereby created an arts commission consisting of seven (7) members. The members thereof shall be appointed as follows:

(1) Seven (7) members to be recommended and appointed by the city council.

(2) Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

Sec. 5.5-23. Terms of arts commissioners; vacancies.

In making initial appointments for the commission, the council shall appoint three (3) commissioners to serve a term of one (1) year and four (4) commissioners to serve a term of two (2) years. Thereafter, the city council shall appoint commissioners who will serve for a term of two (2) years. The city council shall thereafter appoint commissioners to fill the offices as the term of the members expire. Vacancies in the commission occurring otherwise than by expiration of term of office, shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission. All appointments shall be without compensation.

Sec. 5.5-24. Officers.

At the first regular meeting, following the first day of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chair and a vice-chair. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

Sec. 5.5-25. Rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure, and shall meet at a regular appointed time, at city facilities, as designated in the agenda.

Sec. 5.5-26. Quorum; effect of absences.

A majority of the regular members shall constitute a quorum. Absence from three (3) consecutive meetings, without the approval of the commission, shall be deemed to constitute retirement of such member and the position may be declared vacant.

Sec. 5.5-27. Minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk.

Sec. 5.5-28. Power and duties.

(a) To act in advisory capacity to the city council in all matters pertaining to visual arts, theatre arts, music, and dance. To cooperate with other governmental agencies and civic groups in the advancement of sound planning of the arts in the City of Belmont and development of educational programs.

(b) To formulate policies on the arts for approval by the city council.

(c) To advise on issues related to development of art related facilities and projects.

(d) To make recommendations on the selection and placement of public art.

(e) To make initial and periodic inventories of existing public art, location and condition and to locate and catalog potential public art sites.

(f) To aid in coordinating art related programs and services with other governmental agencies and voluntary civic organizations.

(g) To act in an advisory capacity in the preparation of an annual budget and long-range public art improvement program.

(h) Perform such duties as may be assigned to the commission by the city council.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted

this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this _____ day of _____, 2004.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2004.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

Mayor of the City of Belmont

ATTEST:

Clerk of the City of Belmont